

Union Calendar No. 390

106TH CONGRESS  
2D SESSION

**H. R. 4733**

**[Report No. 106-693]**

Making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

---

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2000

Mr. PACKARD, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

**A BILL**

Making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       fiscal year ending September 30, 2001, for energy and  
6       water development, and for other purposes, namely:

1 Western Area Power Administration, Sierra Nevada Re-  
2 gion (Western), and collected by Western through estab-  
3 lished power ratesetting practices. The authorized amount  
4 collected shall be paid annually to the TPUD.

### 5 TITLE III

## 6 DEPARTMENT OF ENERGY

### 7 ENERGY PROGRAMS

#### 8 ENERGY SUPPLY

9 For Department of Energy expenses including the  
10 purchase, construction and acquisition of plant and capital  
11 equipment, and other expenses necessary for energy sup-  
12 ply, and uranium supply and enrichment activities in car-  
13 rying out the purposes of the Department of Energy Orga-  
14 nization Act (42 U.S.C. 7101 et seq.), including the acqui-  
15 sition or condemnation of any real property or any facility  
16 or for plant or facility acquisition, construction, or expan-  
17 sion; and the purchase of not to exceed 17 passenger  
18 motor vehicles for replacement only, \$576,482,000 to re-  
19 main available until expended: *Provided*, That, in addition,  
20 royalties received to compensate the Department of En-  
21 ergy for its participation in the First-Of-A-Kind-Engineer-  
22 ing program shall be credited to this account to be avail-  
23 able until September 30, 2002, for the purposes of Nu-  
24 clear Energy, Science and Technology activities.

## 1 NON-DEFENSE ENVIRONMENTAL MANAGEMENT

2 For Department of Energy expenses, including the  
3 purchase, construction and acquisition of plant and capital  
4 equipment and other expenses necessary for non-defense  
5 environmental management activities in carrying out the  
6 purposes of the Department of Energy Organization Act  
7 (42 U.S.C. 7101 et seq.), including the acquisition or con-  
8 demnation of any real property or any facility or for plant  
9 or facility acquisition, construction or expansion,  
10 \$281,001,000, to remain available until expended.

## 11 URANIUM FACILITIES MAINTENANCE AND REMEDIATION

## 12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses to maintain, decontaminate,  
14 decommission, and otherwise remediate uranium proc-  
15 essing facilities, \$301,400,000, of which \$260,000,000  
16 shall be derived from the Uranium Enrichment Decon-  
17 tamination and Decommissioning Fund and of which  
18 \$12,000,000 shall be derived by transfer from the United  
19 States Enrichment Corporation Fund, all of which shall  
20 remain available until expended.

## 21 SCIENCE

22 For Department of Energy expenses including the  
23 purchase, construction and acquisition of plant and capital  
24 equipment, and other expenses necessary for science ac-  
25 tivities in carrying out the purposes of the Department

1 of Energy Organization Act (42 U.S.C. 7101 et seq.), in-  
2 cluding the acquisition or condemnation of any real prop-  
3 erty or facility or for plant or facility acquisition, construc-  
4 tion, or expansion, and purchase of not to exceed 58 pas-  
5 senger motor vehicles for replacement only,  
6 \$2,830,915,000, to remain available until expended.

#### 7 NUCLEAR WASTE DISPOSAL

8 For nuclear waste disposal activities to carry out the  
9 purposes of Public Law 97-425, as amended, including  
10 the acquisition of real property or facility construction or  
11 expansion, \$213,000,000, to remain available until ex-  
12 pended and to be derived from the Nuclear Waste Fund:  
13 *Provided*, That not to exceed \$2,500,000 may be provided  
14 to the State of Nevada solely for expenditures, other than  
15 salaries and expenses of State employees, to conduct sci-  
16 entific oversight responsibilities pursuant to the Nuclear  
17 Waste Policy Act of 1982, Public Law 97-425, as amend-  
18 ed: *Provided further*, That not to exceed \$5,887,000 may  
19 be provided to affected units of local governments, as de-  
20 fined in Public Law 97-425, to conduct appropriate activi-  
21 ties pursuant to the Act: *Provided further*, That the dis-  
22 tribution of the funds as determined by the units of local  
23 government shall be approved by the Department of En-  
24 ergy: *Provided further*, That the funds for the State of  
25 Nevada shall be made available solely to the Nevada Divi-

1 sion of Emergency Management by direct payment and  
2 units of local government by direct payment: *Provided fur-*  
3 *ther*, That within 90 days of the completion of each Fed-  
4 eral fiscal year, the Nevada Division of Emergency Man-  
5 agement and the Governor of the State of Nevada and  
6 each local entity shall provide certification to the Depart-  
7 ment of Energy that all funds expended from such pay-  
8 ments have been expended for activities authorized by  
9 Public Law 97–425 and this Act. Failure to provide such  
10 certification shall cause such entity to be prohibited from  
11 any further funding provided for similar activities: *Pro-*  
12 *vided further*, That none of the funds herein appropriated  
13 may be: (1) used directly or indirectly to influence legisla-  
14 tive action on any matter pending before Congress or a  
15 State legislature or for lobbying activity as provided in 18  
16 U.S.C. 1913; (2) used for litigation expenses; or (3) used  
17 to support multi-state efforts or other coalition building  
18 activities inconsistent with the restrictions contained in  
19 this Act: *Provided further*, That all proceeds and recoveries  
20 by the Secretary in carrying out activities authorized by  
21 the Nuclear Waste Policy Act of 1982 in Public Law 97–  
22 425, as amended, including but not limited to, any pro-  
23 ceeds from the sale of assets, shall be available without  
24 further appropriation and shall remain available until ex-  
25 pended.

## DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed \$35,000), \$153,527,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$111,000,000 in fiscal year 2001 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2001 so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at not more than \$42,527,000.

1           OFFICE OF THE INSPECTOR GENERAL

2           For necessary expenses of the Office of the Inspector  
3 General in carrying out the provisions of the Inspector  
4 General Act of 1978, as amended, \$31,500,000, to remain  
5 available until expended.

6           ATOMIC ENERGY DEFENSE ACTIVITIES

7           NATIONAL NUCLEAR SECURITY

8           ADMINISTRATION

9           WEAPONS ACTIVITIES

10          For Department of Energy expenses, including the  
11 purchase, construction and acquisition of plant and capital  
12 equipment and other incidental expenses necessary for  
13 atomic energy defense weapons activities in carrying out  
14 the purposes of the Department of Energy Organization  
15 Act (42 U.S.C. 7101 et seq.), including the acquisition or  
16 condemnation of any real property or any facility or for  
17 plant or facility acquisition, construction, or expansion;  
18 and the purchase of passenger motor vehicles (not to ex-  
19 ceed 12 for replacement only), \$4,625,684,000, to remain  
20 available until October 1, 2003.

21          DEFENSE NUCLEAR NONPROLIFERATION

22          For Department of Energy expenses necessary for  
23 atomic energy defense and defense nuclear nonprolifera-  
24 tion activities to carry out the Department of Energy Or-  
25 ganization Act (42 U.S.C. 7101 et seq.), including acquisi-

tion (by purchase, condemnation, construction, or otherwise) of real property, plant and capital equipment, facilities, and facility expansion, \$861,477,000, to remain available until October 1, 2003: *Provided*, That not to exceed \$7,000 may be used for official reception and representation expenses for national security and non-proliferation (including transparency) activities in fiscal year 2001.

#### NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$677,600,000, to remain available until expended.

#### OTHER DEFENSE RELATED ACTIVITIES

##### DEFENSE ENVIRONMENTAL RESTORATION AND WASTE

##### MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), in-



cluding the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 30 passenger motor vehicles for replacement only, \$4,522,707,000, to remain available until expended: *Provided*, That any amounts appropriated under this heading that are used to provide economic assistance under section 15 of the Waste Isolation Pilot Plant Land Withdrawal Act, Public Law 102–579, shall be utilized to the extent necessary to reimburse costs of financial assurances required of a contractor by any permit or license of the Waste Isolation Pilot Plant issued by the State of New Mexico.

#### DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, \$1,082,297,000, to remain available until expended.

#### DEFENSE ENVIRONMENTAL MANAGEMENT

##### PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Depart-

ment of Energy Organization Act (42 U.S.C. 7101 et seq.), \$259,000,000, to remain available until expended.

### OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$592,235,000, to remain available until expended.

### DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, \$200,000,000, to remain available until expended.

### POWER MARKETING ADMINISTRATIONS

#### BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for the Nez Perce Tribe Resident Fish Substitution Program, the Cour D’Alene Tribe Trout Produc-

tion facility, and for official reception and representation expenses in an amount not to exceed \$1,500.

During fiscal year 2001, no new direct loan obligations may be made.

#### OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$3,900,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, amounts collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures as follows: for fiscal year 2001, up to \$34,463,000; for fiscal year 2002, up to \$26,463,000; for fiscal year 2003, up to \$20,000,000; and for fiscal year 2004, up to \$15,000,000.

1        OPERATION AND MAINTENANCE, SOUTHWESTERN  
2                                   POWER ADMINISTRATION

3        For necessary expenses of operation and maintenance  
4 of power transmission facilities and of marketing electric  
5 power and energy, and for construction and acquisition of  
6 transmission lines, substations and appurtenant facilities,  
7 and for administrative expenses, including official recep-  
8 tion and representation expenses in an amount not to ex-  
9 ceed \$1,500 in carrying out the provisions of section 5  
10 of the Flood Control Act of 1944 (16 U.S.C. 825s), as  
11 applied to the southwestern power area, \$28,100,000, to  
12 remain available until expended; in addition, notwith-  
13 standing the provisions of 31 U.S.C. 3302, not to exceed  
14 \$4,200,000 in reimbursements, to remain available until  
15 expended: *Provided*, That amounts collected by the South-  
16 western Power Administration pursuant to the Flood Con-  
17 trol Act to recover purchase power and wheeling expenses  
18 shall be credited to this account as offsetting collections,  
19 to remain available until expended for the sole purpose  
20 of making purchase power and wheeling expenditures as  
21 follows: for fiscal year 2001, up to \$288,000; for fiscal  
22 year 2002, up to \$288,000; for fiscal year 2003, up to  
23 \$288,000; and for fiscal year 2004, up to \$288,000.

1 CONSTRUCTION, REHABILITATION, OPERATION AND  
2 MAINTENANCE, WESTERN AREA POWER ADMINIS-  
3 TRATION

4 For carrying out the functions authorized by title III,  
5 section 302(a)(1)(E) of the Act of August 4, 1977 (42  
6 U.S.C. 7152), and other related activities including con-  
7 servation and renewable resources programs as author-  
8 ized, including official reception and representation ex-  
9 penses in an amount not to exceed \$1,500, \$160,930,000,  
10 to remain available until expended, of which \$154,616,000  
11 shall be derived from the Department of the Interior Rec-  
12 lamation Fund: *Provided*, That of the amount herein ap-  
13 propriated, \$4,036,000 is for deposit into the Utah Rec-  
14 lamation Mitigation and Conservation Account pursuant  
15 to title IV of the Reclamation Projects Authorization and  
16 Adjustment Act of 1992: *Provided further*, That amounts  
17 collected by the Western Area Power Administration pur-  
18 suant to the Flood Control Act of 1944 and the Reclama-  
19 tion Project Act of 1939 to recover purchase power and  
20 wheeling expenses shall be credited to this account as off-  
21 setting collections, to remain available until expended for  
22 the sole purpose of making purchase power and wheeling  
23 expenditures as follows: for fiscal year 2001, up to  
24 \$35,500,000; for fiscal year 2002, up to \$33,500,000; for

1 fiscal year 2003, up to \$30,000,000; and for fiscal year  
2 2004, up to \$20,000,000.

3 FALCON AND AMISTAD OPERATING AND MAINTENANCE  
4 FUND

5 For operation, maintenance, and emergency costs for  
6 the hydroelectric facilities at the Falcon and Amistad  
7 Dams, \$2,670,000, to remain available until expended,  
8 and to be derived from the Falcon and Amistad Operating  
9 and Maintenance Fund of the Western Area Power Ad-  
10 ministration, as provided in section 423 of the Foreign  
11 Relations Authorization Act, Fiscal Years 1994 and 1995.

12 FEDERAL ENERGY REGULATORY COMMISSION  
13 SALARIES AND EXPENSES

14 For necessary expenses of the Federal Energy Regu-  
15 latory Commission to carry out the provisions of the De-  
16 partment of Energy Organization Act (42 U.S.C. 7101 et  
17 seq.), including services as authorized by 5 U.S.C. 3109,  
18 the hire of passenger motor vehicles, and official reception  
19 and representation expenses (not to exceed \$3,000),  
20 \$175,200,000, to remain available until expended: *Pro-*  
21 *vided*, That notwithstanding any other provision of law,  
22 not to exceed \$175,200,000 of revenues from fees and an-  
23 nual charges, and other services and collections in fiscal  
24 year 2001 shall be retained and used for necessary ex-  
25 penses in this account, and shall remain available until

1 expended: *Provided further*, That the sum herein appro-  
2 priated from the General Fund shall be reduced as reve-  
3 nues are received during fiscal year 2001 so as to result  
4 in a final fiscal year 2001 appropriation from the General  
5 Fund estimated at not more than \$0.

## 6 GENERAL PROVISIONS

### 7 DEPARTMENT OF ENERGY

8 SEC. 301. (a) None of the funds appropriated by this  
9 Act may be used to award a management and operating  
10 contract unless such contract is awarded using competitive  
11 procedures or the Secretary of Energy grants, on a case-  
12 by-case basis, a waiver to allow for such a deviation. The  
13 Secretary may not delegate the authority to grant such  
14 a waiver.

15 (b) At least 60 days before a contract award, amend-  
16 ment, or modification for which the Secretary intends to  
17 grant such a waiver, the Secretary shall submit to the  
18 Subcommittees on Energy and Water Development of the  
19 Committees on Appropriations of the House of Represent-  
20 atives and the Senate a report notifying the subcommit-  
21 tees of the waiver and setting forth the reasons for the  
22 waiver.

23 SEC. 302. (a) None of the funds appropriated by this  
24 Act may be used to award, amend, or modify a contract  
25 in a manner that deviates from the Federal Acquisition

1 Regulation, unless the Secretary of Energy grants, on a  
2 case-by-case basis, a waiver to allow for such a deviation.  
3 The Secretary may not delegate the authority to grant  
4 such a waiver.

5 (b) At least 60 days before a contract award, amend-  
6 ment, or modification for which the Secretary intends to  
7 grant such a waiver, the Secretary shall submit to the  
8 Subcommittees on Energy and Water Development of the  
9 Committees on Appropriations of the House of Represent-  
10 atives and the Senate a report notifying the subcommit-  
11 tees of the waiver and setting forth the reasons for the  
12 waiver.

13 SEC. 303. None of the funds appropriated by this Act  
14 may be used to—

15 (1) develop or implement a workforce restruc-  
16 turing plan that covers employees of the Department  
17 of Energy; or

18 (2) provide enhanced severance payments or  
19 other benefits for employees of the Department of  
20 Energy,

21 under section 3161 of the National Defense Authorization  
22 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.  
23 2644; 42 U.S.C. 7274h).

24 SEC. 304. None of the funds appropriated by this Act  
25 may be used to augment the \$24,500,000 made available



1 for obligation by this Act for severance payments and  
2 other benefits and community assistance grants under sec-  
3 tion 3161 of the National Defense Authorization Act for  
4 Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644;  
5 42 U.S.C. 7274h).

6 SEC. 305. None of the funds appropriated by this Act  
7 may be used to prepare or initiate Requests For Proposals  
8 (RFPs) for a program if the program has not been funded  
9 by Congress.

10 (TRANSFERS OF UNEXPENDED BALANCES)

11 SEC. 306. The unexpended balances of prior appro-  
12 priations provided for activities in this Act may be trans-  
13 ferred to appropriation accounts for such activities estab-  
14 lished pursuant to this title. Balances so transferred may  
15 be merged with funds in the applicable established ac-  
16 counts and thereafter may be accounted for as one fund  
17 for the same time period as originally enacted.

18 SEC. 307. Of the funds in this Act provided to gov-  
19 ernment-owned, contractor-operated laboratories, not to  
20 exceed 4 percent shall be available to be used for Labora-  
21 tory Directed Research and Development.

22 SEC. 308. (a) Of the funds appropriated by this title  
23 to the Department of Energy, not more than  
24 \$150,000,000 shall be available for reimbursement of  
25 management and operating contractor travel expenses.

1 (b) Funds appropriated by this title to the Depart-  
2 ment of Energy may be used to reimburse a Department  
3 of Energy management and operating contractor for travel  
4 costs of its employees under the contract only to the extent  
5 that the contractor applies to its employees the same rates  
6 and amounts as those that apply to Federal employees  
7 under subchapter I of chapter 57 of title 5, United States  
8 Code, or rates and amounts established by the Secretary  
9 of Energy. The Secretary of Energy may provide excep-  
10 tions to the reimbursement requirements of this section  
11 as the Secretary considers appropriate.

12 SEC. 309. No funds are provided in this Act or any  
13 other Act for the Administrator of the Bonneville Power  
14 Administration to enter into any agreement to perform en-  
15 ergy efficiency services outside the legally defined Bonne-  
16 ville service territory, with the exception of services pro-  
17 vided internationally, including services provided on a re-  
18 imburseable basis, unless the Administrator certifies that  
19 such services are not available from private sector busi-  
20 nesses.

21 SEC. 310. None of the funds appropriated in this or  
22 any previous Energy and Water Development Appropria-  
23 tion Act for payment into the Department of Energy  
24 Working Capital Fund may be used to pay salaries and

1 expenses of any employee of the United States Govern-  
2 ment.

#### 3 TITLE IV

#### 4 INDEPENDENT AGENCIES

#### 5 APPALACHIAN REGIONAL COMMISSION

6 For expenses necessary to carry out the programs au-  
7 thorized by the Appalachian Regional Development Act of  
8 1965, as amended, for necessary expenses for the Federal  
9 Co-Chairman and the alternate on the Appalachian Re-  
10 gional Commission, for payment of the Federal share of  
11 the administrative expenses of the Commission, including  
12 services as authorized by 5 U.S.C. 3109, and hire of pas-  
13 senger motor vehicles, \$63,000,000, to remain available  
14 until expended.

#### 15 DEFENSE NUCLEAR FACILITIES SAFETY

#### 16 BOARD

#### 17 SALARIES AND EXPENSES

18 For necessary expenses of the Defense Nuclear Fa-  
19 cilities Safety Board in carrying out activities authorized  
20 by the Atomic Energy Act of 1954, as amended by Public  
21 Law 100-456, section 1441, \$17,000,000, to remain  
22 available until expended.

## TITLE V—RESCISSIONS

## DEPARTMENT OF ENERGY

## INTERIM STORAGE ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

(RESCISSION)

Of the funds appropriated in Public Law 104–46 for interim storage of nuclear waste, \$85,000,000 are transferred to this heading: *Provided*, That such amount is hereby rescinded.

## TITLE VI—GENERAL PROVISIONS

SEC. 601. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 602. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall

1 provide to such entity a notice describing the statement  
2 made in subsection (a) by the Congress.

3 (c) PROHIBITION OF CONTRACTS WITH PERSONS  
4 FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—

5 If it has been finally determined by a court or Federal  
6 agency that any person intentionally affixed a label bear-  
7 ing a “Made in America” inscription, or any inscription  
8 with the same meaning, to any product sold in or shipped  
9 to the United States that is not made in the United  
10 States, the person shall be ineligible to receive any con-  
11 tract or subcontract made with funds made available in  
12 this Act, pursuant to the debarment, suspension, and ineli-  
13 gibility procedures described in sections 9.400 through  
14 9.409 of title 48, Code of Federal Regulations.

15 SEC. 603. (a) None of the funds appropriated or oth-  
16 erwise made available by this Act may be used to deter-  
17 mine the final point of discharge for the interceptor drain  
18 for the San Luis Unit until development by the Secretary  
19 of the Interior and the State of California of a plan, which  
20 shall conform to the water quality standards of the State  
21 of California as approved by the Administrator of the En-  
22 vironmental Protection Agency, to minimize any detri-  
23 mental effect of the San Luis drainage waters.

24 (b) The costs of the Kesterson Reservoir Cleanup  
25 Program and the costs of the San Joaquin Valley Drain-

1 age Program shall be classified by the Secretary of the  
2 Interior as reimbursable or nonreimbursable and collected  
3 until fully repaid pursuant to the “Cleanup Program—  
4 Alternative Repayment Plan” and the “SJVDP—Alter-  
5 native Repayment Plan” described in the report entitled  
6 “Repayment Report, Kesterson Reservoir Cleanup Pro-  
7 gram and San Joaquin Valley Drainage Program, Feb-  
8 ruary 1995”, prepared by the Department of the Interior,  
9 Bureau of Reclamation. Any future obligations of funds  
10 by the United States relating to, or providing for, drainage  
11 service or drainage studies for the San Luis Unit shall  
12 be fully reimbursable by San Luis Unit beneficiaries of  
13 such service or studies pursuant to Federal Reclamation  
14 law.

15 SEC. 604. Section 6101(a)(3) of the Omnibus Budget  
16 Reconciliation Act of 1990, as amended (42 U.S.C.  
17 2214(a)(3)) is amended by striking “September 30, 2000”  
18 and inserting “September 30, 2001”.

19 SEC. 605. None of the funds appropriated by this Act  
20 shall be used to propose or issue rules, regulations, de-  
21 crees, or orders for the purpose of implementation, or in  
22 preparation for implementation, of the Kyoto Protocol  
23 which was adopted on December 11, 1997, in Kyoto,  
24 Japan at the Third Conference of the Parties to the  
25 United Nations Framework Convention on Climate

1 Change, which has not been submitted to the Senate for  
2 advice and consent to ratification pursuant to article II,  
3 section 2, clause 2, of the United States Constitution, and  
4 which has not entered into force pursuant to article 25  
5 of the Protocol.

6 SEC. 606. The Energy Policy and Conservation Act  
7 is amended—

8 (1) by amending section 166 (42 U.S.C. 6246)  
9 to read as follows:

10 “AUTHORIZATION OF APPROPRIATIONS

11 “SEC. 166. There are authorized to be appropriated  
12 for fiscal years 2000 and 2001 such sums as may by nec-  
13 essary to implement this part.”;

14 (2) in section 181 (42 U.S.C. 6251) by striking  
15 “March 31, 2000” both places it appears and insert-  
16 ing “September 30, 2001”; and

17 (3) in section 281 (42 U.S.C. 6285) by striking  
18 “March 31, 2000” both places it appears and insert-  
19 ing “September 30, 2001”.

20 This Act may be cited as the “Energy and Water  
21 Development Appropriations Act, 2001”.

**Union Calendar No. 390**

106TH CONGRESS  
2D SESSION

**H. R. 4733**

**[Report No. 106-693]**

---

---

**A BILL**

Making appropriations for energy and water development for the fiscal year ending September 30, 2001, and for other purposes.

---

---

JUNE 23, 2000

Reported from the Committee on Appropriations, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed